IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THURSDAY, THE TWELFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

and
HON'BLE SRI JUSTICE C.V.RAMULU

WRIT APPEAL NO : 1113 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 08/04/2004 in WPMP.NO. 4955 OF 2004 IN WP NO : 18435 OF 2003 on the file of the High Court.)

Between:

Andhra Pradesh State Cooperative Bank Limited,

rep. by its Deputy General Manager,
Troop Bazar, Hyderabad.

..... APPELLANT

AND

1 K.I. Vidya Sagar, S/o Late K. Ranga Rao,
R/o 1-9-698.1/3A, Osmania University Road,
Vidyanagar, Hyderabad.
2 K.N. Mallika, D/o K.I. Vidya Sagar,
R/o 1-9-698/1/3A, Osmania University Road,
Vidyanagar, Hyderabad.

3 The Deputy Registrar (OSD), Andhra Pradesh State Cooperative Bank Limited, Hyderabad.

4 A. Jamuna Devi, W/o K.I. Vidyasagar, R/o Vidyanagar, Hyderabad.

5 The Registrar, Co-operative Tribunal, Hyderabad.

(Respondents 3 and 5 are not necessary parties to this appeal).

.....RESPONDENTS

Counsel for the Appellant : MR.D.S.N.V.PRASAD BABU.

Counsel for the Respondent Nos 1, 2 & 4.: MR.D.V.SITARAMAMURTHY.

The Court made the following :

ORAL JUDGMENT:

(Per Hon'ble The Chief Justice)

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1. We have heard counsel for the appellant and do not find any ground to interfere with the order passed by the learned single Judge directing the appellant – Bank to release the document with regard to house bearing No. 3-4-633, Narayanaguda, Hyderabad. Admittedly document was lodged by respondents 1 and 2, who happened to be father and daughter, with the

appellant – Bank to secure amount of loan they have obtained. Admittedly loan has been cleared and no due certificate has been issued. Once loan has been cleared and no due certificate has been issued by the appellant – Bank, there is no authority vested in the appellant to continue holding the document of title. Appellant's case is that disciplinary proceedings for misappropriation of funds are pending against the wife of 1st respondent, namely, 4th respondent, who is an employee of appellant - Bank, and for that reason, the Bank has obtained an order under Section 73 of A.P. Cooperative Societies Act restraining sale, mortgage or alienation of the property. Mere fact that there is an attachment order subsisting will not entitle the appellant to retain the document.

2. Writ appeal fails and is dismissed. No costs.

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DEVINDER GUPTA. C.J.,

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C.V. RAMULU. J.,

Dated: 12.08.2004.

VRK.

To

1. The Deputy General Manager, Andhra Pradesh State Cooperative Bank Limited, Troop Bazar, Hyderabad.

2. Two CD copies.

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE C.V. RAMULU.

W.A.NO. 1113 OF 2004.

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(Judgment of the Bench delivered by

Hon'ble The Chief Justice)

Dt: 12.08.2004.

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